

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNIE RAY DAVIS,

Defendant.

NO. 2:18-cr-00132-RAJ

ORDER ON DEFENDANT'S RENEWED
MOTION FOR COMPASSIONATE
RELEASE

Ernie Ray Davis is a 42-year-old inmate currently detained at Federal Correctional Institution Sheridan, with a projected release date of May 8, 2024. On May 28, 2020, the Court denied his motion for compassionate release. Dkt. 794. Now before the Court is Mr. Davis' renewed motion for compassionate release. Dkt. 852. Having considered Mr. Davis' renewed motion, and the files and pleadings herein, the Court hereby **DENIES** the motions for the reasons set forth below.

In Mr. Davis' renewed motion for compassionate release he sets forth substantially similar facts and arguments made in his original motion. He addresses the conditions of his confinement and his claims of lack of adequate medical treatment by the Bureau of Prisons (BOP). His major substantive new claim is that he now has a body mass index (BMI) of 30.4, which places him in the "obese" category which the Centers for Disease Control and Prevention (CDC) has indicated may render him at greater risk of severe complications should he contract coronavirus-19 (COVID-19).

1 While the Court acknowledges the concerning rise in positive cases of COVID-19
2 among inmates and staff at FCI Sheridan, the fact remains that, as set forth in the Court's
3 original order denying compassionate release, even if the Court were to find
4 extraordinary and compelling reasons to warrant his release, Title 18 U.S.C. § 3142(g)
5 and U.S.S.G. § 1B1.13 mandate otherwise.

6 The Court has thoroughly considered the additional evidence Mr. Davis has
7 submitted. However, as stated previously, the facts related to this very serious crime of
8 conviction, together with his criminal history, indicate Mr. Davis poses a continuing
9 danger to the community. Despite the evidence presented by Mr. Davis as to his solid
10 support network and release plans, that assessment has not changed.

11 For the foregoing reasons, Defendant Ernie Ray Davis' renewed motion for
12 compassionate release is **DENIED**.

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14 DATED this 17th day of February, 2021.

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17 The Honorable Richard A. Jones
18 United States District Judge
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